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November 21, 2023

U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST DIV. COLUMBUS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
85 MARCONI BOULEVARD, ROOM 121
COLUMBUS, OH 43215

Dear SARAH D. MORRISON:

LegalZoom.com, Inc. ("LegalZoom"), through its wholly-owned subsidiary, United States Corporation Agents, Inc. ("USCA"), received documents from your office. The documents are directed to COLLATERAL DAMAGE LLC. We are unable to accept service of the documents because USCA is not the registered agent for an entity with the precise name COLLATERAL DAMAGE LLC in CA.

Enclosed, please find your documents which we are returning to you. If you have any questions, please feel free to give us a call at (800) 524-4564.

Sincerely,

Your LegalZoom Team

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COLLATERAL DAMAGE LLC
(201913510663)



Request Certificate

Initial Filing Date	05/10/2019
Status	Active
Standing - SOS	Good
Standing - FTB	Good
Standing - Agent	Not Good
Standing - VCFCF	Good
Formed In	CALIFORNIA
Entity Type	Limited Liability Company - CA
Principal Address	45 S ARROYO PKWY. PASADENA, CA 91105
Mailing Address	45 S ARROYO PKWY. PASADENA, CA 91105
Statement of Info Due Date	05/31/2023
Agent	Individual NO AGENT AGENT RESIGNED OR INVALID

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Collateral Damage, LLC
101 N. Brand Blvd.
11th Floor
Glendale, CA 91203

Other Orders/Judgments

2:23-cv-00512-SDM-EPD Root,
Inc. et al v. Silver et al

AttySealedAcc,JURY,PRO
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U.S. District Court

Southern District of Ohio

Notice of Electronic Filing

The following transaction was entered on 11/15/2023 at 4:30 PM EST and filed on 11/15/2023

Case Name: Root, Inc. et al v. Silver et al

Case Number: 2:23-cv-00512-SDM-EPD

Filer:

Document Number: 184

Docket Text:

ORDER issued re [180] [181] Applications for Entry of Default in that the Clerk is DIRECTED to REFRAIN from entering default against the Silver Defendants on the basis of the pending applications. Signed by Judge Sarah D. Morrison on 11/15/23. (sem)(This document has been sent by regular mail to the party(ies) listed in the NEF that did not receive electronic notification.)

2:23-cv-00512-SDM-EPD Notice has been electronically mailed to:

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2:23-cv-00512-SDM-EPD Notice has been delivered by other means to:

Collateral Damage, LLC
101 N. Brand Blvd.
11th Floor
Glendale, CA 91203

Eclipse Home Design, LLC
651 N. Broad Street
Suite 201
Middletown, De 19709

Paige McDaniel
5576 Alexanders Lake Road
Stockbridge, GA 30281

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1040326259 [Date=11/15/2023] [FileNumber=8723779-
0] [4086f454f4ff1fd5eb8943977246a55f634ea4b60304055e23fe7b102ff7ed3078
db9cecdb86f5bd7c8503f9163aa39872928e7c8eedbbef45e727e5523c5161]]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

ROOT, INC., *et al.*,

Plaintiffs,

v.

BRINSON CALEB SILVER, *et al.*,

Defendants.

Case No. 2:23-cv-512

Judge Sarah D. Morrison

Magistrate Judge Chelsey M.

Vascura

ORDER

Plaintiffs Root, Inc., Caret Holdings, Inc., and Root Insurance Agency, LLC filed Rule 55(a) applications for entry of default against Defendants Brinson Caleb Silver, Eclipse Home Design, LLC, and Collateral Damage, LLC (together, the “Silver Defendants”). (ECF Nos. 180, 181.) Rule 55(a) provides:

When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.

Fed. R. Civ. P. 55(a).

The Silver Defendants failed to respond to the operative Second Amended Complaint—but each answered the First Verified Amended Complaint. (See ECF Nos. 127, 128, 129.) As to the Silver Defendants, the Second Amended Complaint is identical to the First. (See ECF No. 165, PAGEID # 1380.) “Rule 55(a) only permits the Clerk to enter default when a party ‘has failed to plead or otherwise defend’ in **the action.**” *United States ex rel. Griffith v. Conn*, No. 11-157-ART-EBA, 2016 WL 11200230, at *1 (E.D. Ky. May 16, 2016) (Thapar, J.) (emphasis added). That cannot

be said about the Silver Defendants. *See also* *McCutchen v. Tipton County*, 430 F. Supp. 2d 741 (W.D. Tenn. 2006) (denying an application for entry of default as to a defendant who responded to a complaint but did not respond to an amended complaint, where the amended complaint related back to the original under Rule 15(c)). The Clerk is thus **DIRECTED** to **REFRAIN** from entering default against the Silver Defendants on the basis of the pending applications.

IT IS SO ORDERED.

/s/ Sarah D. Morrison
SARAH D. MORRISON
UNITED STATES DISTRICT JUDGE

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
85 MARCONI BOULEVARD, ROOM 121
COLUMBUS, OHIO 43215

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